



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/887,751 | 06/22/2001 | Steven S. Kantner | 55980USA1B.004 | 7737 |

7590 11/10/2009
Attention: Robert W. Sprague
Office of Intellectual Property Counsel
3M Innovative Properties Company
P.O. Box 33427
St. Paul, MN 55133-3427

EXAMINER

KANTAMNENI, SHOUBHA

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

1627

| | |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

11/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Non-Responsive Amendment

Applicant's amendment in response to the Office Action dated 03/03/2009 filed on 09/03/2009, amending claims, and adding new independent claim 20 which is drawn to a method comprising preparing a cosmetic or personal care article is considered non-responsive to the previous Office Action.

Newly submitted claims 2-3, 5-8, 11-13, and 20 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The invention drawn to a method comprising preparing a cosmetic or personal care article is distinct from a cosmetic or a personal care article.

According to MPEP 819, the general policy of the Office is not to permit the applicant to shift to claiming another invention after an office action is given.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 2-3, 5-8, 11-13, and 20 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Therefore, the amendment received on 09/03/2009 is considered non-responsive to the previous Office Action dated 03/03/2009.

Since the above-mentioned amendment appears to be a *bone fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the

omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shobha Kantamneni whose telephone number is 571-272-2930. The examiner can normally be reached on Monday-Friday, 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan can be reached on 571-272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shobha Kantamneni
Patent Examiner
Art Unit 1617.

/SREENI PADMANABHAN/

Supervisory Patent Examiner, Art Unit 1627